

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

BY: Edward T. Finch, Esquire

Identification No. 83692

510 Walnut Street, Suite 1000

Philadelphia, PA 19106

(215) 627-0303

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JOSEPH F. KINIUK and MARGARET KINIUK,  
husband and wife

COURT OF COMMON PLEAS  
NORTHAMPTON COUNTY

V.

NO. C0048AB2002000241

AC&S, INC., ET AL.

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**PRAECIPE TO FILE NOTICE OF REMOVAL**

**TO THE PROTHONOTARY:**

Kindly file the attached Notice of Removal in the above-captioned matter.

Respectfully submitted,

LAVIN, COLEMAN, O'NEIL, RICCI,  
FINARELLI & GRAY

BY: 

Edward T. Finch, Esquire  
Attorney for Defendants,  
DaimlerChrysler Corporation,  
Ford Motor Company and  
General Motors Corporation

RB

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JOSEPH F. KINIUK and MARGARET KINIUK,  
husband and wife

CASE NO.

02-cv-2977

V.

DAIMLERCHRYSLER CORPORATION  
FORD MOTOR COMPANY  
GENERAL MOTORS CORPORATION  
FEDERAL-MOGUL GLOBAL, INC.

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**NOTICE OF REMOVAL**

Defendants DaimlerChrysler Corporation, Ford Motor Company and General Motors Corporation (the "automobile manufacturers") hereby give notice of the removal to the United States District Court for the Eastern District of Pennsylvania of the claims which have been asserted against them in the action captioned Joseph F. Kiniuk and Margaret Kiniuk, husband and wife v. AC&S, Inc., et al. now pending in the Court of Common Pleas of Northampton County, at No. C0048AB2002000241. This Notice of Removal is filed pursuant to 28 U.S.C. § 1452(a), and as grounds for removal the automobile manufacturers state the following:

1. The action of which the removed claims are a part was commenced in the Court of Common Pleas of Northampton County.
2. The removed claims are those for personal injury or wrongful death asserted against the automobile manufacturers on the basis of alleged exposure to certain of their asbestos-containing products, including brakes and other automotive parts, manufactured for the automobile

manufacturers by Federal-Mogul Global, Inc., or companies that it purchased, one or more of which is a co-defendant of the automobile manufacturers.

3. On October 1, 2001 Federal-Mogul Global, Inc. filed a voluntary petition for protection under Chapter 11 of the United States Bankruptcy Code, commencing bankruptcy case number 01-10578 (the "Federal-Mogul Bankruptcy Case") currently pending in the United States Bankruptcy Court for the District of Delaware.

4. The removed claims may be removed to this Court pursuant to 28 U.S.C. § 1452(a): (i) the removed claims are asserted in a civil action not exempt from removal; and (ii) the Court has jurisdiction of the removed claims under 28 U.S.C. § 1334. All claims asserted against the Removing Defendants are related to the Federal-Mogul Bankruptcy Case, and the continued prosecution, outcome at trial or other resolution of the claims will have an effect on the administration of the Federal-Mogul Bankruptcy Case.

5. Removal to this Court is timely pursuant to Federal Rule of Bankruptcy Procedure 9027(a)(3) in that the Federal-Mogul Bankruptcy Case was pending when the removed claims were asserted on or after October 1, 2001 and in that this notice has been filed within 30 days of receipt by one or all of the automobile manufacturers of a copy of the initial pleading setting forth the removed claims.

6. Upon removal, the proceedings with respect to the removed claims are non-core. The automobile manufacturers do not consent to entry of a final order or judgment by the bankruptcy judge to the extent the bankruptcy court is authorized to hear or determine such claims consistent with 28 U.S.C. § 157(b)(5).

7. The purpose of removal is to facilitate transfer of the removed claims to the United States District Court for the District of Delaware, the district court presiding over the Federal-Mogul Bankruptcy Case, to resolve on a consolidated basis the common threshold scientific issues concerning whether brakes and other automotive parts cause disease. *See, e.g., In re Dow Corning Corp.*, 1995 W.L. 495978, at \*2 (Bankr. E.D. Mich. Aug. 9, 1995) (personal injury tort claims transferred to bankruptcy court pursuant to 28 U.S.C. § 157(b)(5) to resolve threshold scientific issues concerning whether silicone breast implants caused disease after removal to federal court pursuant to 28 U.S.C. § 1452(a)).

8. On November 20, 2001, the automobile manufacturers filed in the Federal-Mogul Bankruptcy Case a motion pursuant to 28 U.S.C. § 157(b)(5) to transfer this and all other claims related to brakes and automotive parts for consolidated resolution of the threshold scientific issues concerning whether brakes and other automotive parts cause disease.

9. On December 10, 2001 the Honorable Alfred M. Wolin issued the attached Order provisionally transferring pursuant to 28 U.S.C. § 157(b)(5) the claims asserted against the automobile manufacturers to the United States District Court for the District of Delaware.

10. On January 3, 2002, Judge Wolin issued a letter opinion and order reiterating that all asbestos friction claims against the automobile manufacturers pending in federal courts as of December 10 had been transferred, and ordering any claims removed after December 10 transferred as well. A copy of the Order and Opinion are attached to this Notice.

11. On February 8, 2002, the Honorable Alfred M. Wolin denied the "Motions to Transfer the 'Friction Claims'" and simultaneously remanded the friction products claims. Attached hereto is a copy of said Order.


12. However, on February 11, 2002, the United States Court of Appeals for the Third Circuit granted a Temporary Stay of Judge Wolin's February 8, 2002 Court Order so that the matter could be considered by a three-judge panel of that court. Attached hereto is a copy of said Order.

13. The Removing Defendants file this Notice of Removal to adequately protect the interests of Removing Defendants and to facilitate transfer of these claims to the United States District Court for the District of Delaware pursuant to Judge Wolin's provisional transfer order.

14. The automobile manufacturers will comply with 28 U.S.C. § 1446(d) by promptly giving notice of the filing of this Notice of Removal to all adverse parties to the action pending in the state court and filing a copy of this Notice of Removal with the prothonotary of the Court of Common Pleas of Northampton County.

Respectfully submitted,

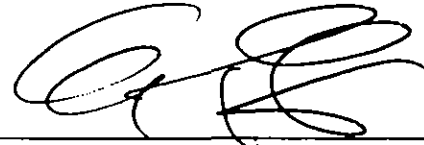
LAVIN, COLEMAN, O'NEIL, RICCI,  
FINARELLI & GRAY

BY: 

Edward T. Finch, Esquire  
Attorney for Defendants,  
DaimlerChrysler Corporation,  
Ford Motor Company and  
General Motors Corporation

**CERTIFICATE OF SERVICE**

I, Edward T. Finch, Esquire, hereby certify that pursuant to 28 U.S.C. § 1446(d) written notice of the removal of this action will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Court of Common Pleas.

A handwritten signature in black ink, appearing to be 'E. Finch', written over a horizontal line.

Edward T. Finch, Esquire

**Defendants (Names and Addresses):**

DaimlerChrysler Corporation  
1000 Chrysler Drive  
Auburn Hills, MI 48326-2766

Ford Motor Company  
Parklane Towers West  
Suite 1500  
Three Parklane Boulevard  
Dearborn, MI 48126-2568

General Motors Corporation  
400 Renaissance Center  
P.O. Box 400  
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pneumo Abex Corp., or

T&N plc.

2655 Northwestern Highway  
Southfield, MI 48034

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

JOSEPH F. KINIUK and MARGARET KINIUK,  
husband and wife

CASE NO.

V.

DAIMLERCHRYSLER CORPORATION  
FORD MOTOR COMPANY  
GENERAL MOTORS CORPORATION  
FEDERAL-MOGUL GLOBAL, INC.

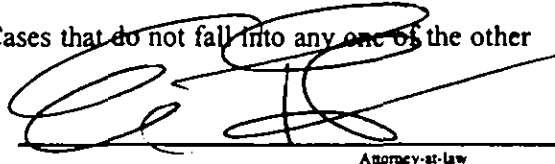
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See §1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2441 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 8. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. (X)
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

May 17, 2002

(Date)



Attorney-at-law

Edward T. Finch, Esquire

Attorney For

DaimlerChrysler Corporation, Ford Motor Company and General  
Motors Corporation



JS44

(Rev. 12/96)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**

Joseph F. Kiniuk and Margaret Kiniuk, husband and wife

**DEFENDANTS**

SEE ATTACHED

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Alan S. Battisti, Esquire  
Law Offices of Peter G. Angelos, P.C.  
60 W. Broad Street - Suite 200  
Bethlehem, PA 18018  
(610) 866-3333

ATTORNEYS (IF KNOWN)

Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray  
Penn Mutual Tower  
510 Walnut Street - Suite 1000  
Philadelphia, PA 19106  
(215) 627-0303

**II. BASIS OF JURISDICTION** (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                                |                                |   |                                |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2     | <input type="checkbox"/> 2     | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5     | <input type="checkbox"/> 5     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3     | <input type="checkbox"/> 3     | Foreign Nation  | <input type="checkbox"/> 6     | <input type="checkbox"/> 6     |

**IV. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Action for personal injury for asbestos exposure against Federal-Mogul Global, Inc., or companies it purchased and removing defendants, removed pursuant to 28 U.S.C. § 1452(a).

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 442 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (139ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

**VI. ORIGIN**☐ 1 Original Proceeding☐ 2 Removed from State Court

(PLACE AN X IN ONE BOX ONLY)

☐ 3 Removed from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A

**CLASS ACTION****DEMAND \$**

Not Specified

Check YES only if demanded in complaint:

**JURY DEMAND** ☐ YES ☐ NO**VIII. RELATED CASE(S)** (See instructions):  
IF ANY

JUDGE

DOCKET NUMBER 01-CV-5981

DATE

SIGNATURE OF ATTORNEY OF RECORD

May 17, 2002

Edward T. Finch, Esquire

RECEIPT# \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING OFF \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**Defendants (Names and Addresses):**

DaimlerChrysler Corporation  
1000 Chrysler Drive  
Auburn Hills, MI 48326-2766

Ford Motor Company  
Parklane Towers West  
Suite 1500  
Three Parklane Boulevard  
Dearborn, MI 48126-2568

General Motors Corporation  
400 Renaissance Center  
P.O. Box 400  
Detroit, MI 48265-4000

Federal-Mogul Global, Inc., individually and/or as parent company, successor in interest, or indemnitor to or of:

Fel-Pro, Inc.,

Ferodo America, Inc.,

Gasket Holdings, Inc., formerly known as Flexitallic Gasket Company,

Moog Automotive Inc., formerly known as Wagner Electric Corporation,

Pneumo Abex Corp., or

T&N plc.

2655 Northwestern Highway  
Southfield, MI 48034

I hereby certify this is a true and correct copy of the original.

*Alan A. Bellat*

**LAW OFFICES OF PETER G. ANGELOS, P.C.**

60 W. Broad Street

Suite 200

Bethlehem, PA 18018

(610) 866-3333

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY - PENNSYLVANIA  
CIVIL DIVISION - ASBESTOS**

Joseph F. Kiniuk and Margaret Kiniuk,  
husband and wife,

Plaintiffs,

vs.

ACandS, Inc., et al

Defendants.

No. C0048AB2002000

241

CIVIL ACTION - ASBESTOS

JURY TRIAL DEMANDED

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

NORTHAMPTON COUNTY BAR ASSOCIATION  
ATTORNEY REFERRAL AND INFORMATION SERVICE  
155 South Ninth Street  
Easton, PA 18042-4399  
Telephone: (610) 258-6333

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY - PENNSYLVANIA  
CIVIL DIVISION - ASBESTOS**

Joseph F. Kiniuk and Margaret Kiniuk,  
husband and wife,  
1533 Lois Lane  
Bethlehem, Pa. 18018

Plaintiffs,

vs. • •

ACandS, Inc.  
120 N. Lime Street  
Lancaster, Pennsylvania 17602

and

Allied Signal, Inc.  
c/o CT Corporation Systems  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

Amchem Products, Inc.  
c/o C.T. Corporation System  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

BF Goodrich Company  
c/o CT Corporation Systems  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

No. C0048AB2002000

Viacom, Inc., Successor by merger to  
CBS Corporation  
f/k/a Westinghouse Electric Corp.  
c/o Asbestos Litigation Support Manager  
Eckert, Seamans, Cherin & Mellott, LLC  
Case Management and Technology Center  
Gulf Tower, 5<sup>th</sup> Floor  
707 Grant Street  
Pittsburgh, PA 15222

and

Clayton Dubilier & Rice  
c/o The Corporation Trust Company  
1209 Orange Street  
Wilmington, DE 19801

and

Cooper Industries  
c/o C.T. Corporation System  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

Crown, Cork & Seal Company, Inc.  
1 Crown Way  
Philadelphia, PA 19104

and

Daimler Chrysler Corporation  
c/o CT Corporation Systems, Inc.  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

Ferro Engineering  
A Division of Oglebay Norton Co.  
1100 Superior Avenue  
Cleveland, Ohio 44114

and

The Flintkote Company  
Three Embarcadero Center; Suite 1190  
San Francisco, CA 94111-4047

and

Ford Motor Company  
c/o CT Corporation Systems  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

Foseco, Inc.  
c/o C.T. Corporation System  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

Foster-Wheeler Corporation  
Perryville Corporate Park  
Clinton, N.J. 08809-4000

and

General Electric Company  
c/o C.T. Corporation System  
1515 Market Street, Suite 1210  
Philadelphia, Pa. 19102

and

General Motors Corporation  
c/o C.T. Corporation Systems  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

General Refractories Company  
225 City Line Ave.  
Suite 111  
Bala Cynwyd, PA 19904

and

The Goodyear Tire & Rubber Company  
c/o C.T. Corporation System  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

Halliburton Technical Services, Inc.  
c/o CT Corporation System  
1515 Market Street, Suite 1210  
Philadelphia, Pa. 19102

and

Hercules Chemical Corporation  
c/o Leonard A. Ruvolo  
111 South Street  
Passaic, NJ 07055

and

John Crane, Inc.  
f/k/a Crane Packing Company  
6400 Oakton Street  
Morton Grove, IL 60053

and

Lac d'Amiante du Quebec, Ltee  
a/k/a Lake Asbestos of Quebec, Ltd.  
a/k/a LAB Chrysolite, Ltd.  
a/k/a ASARCO  
156 W. 56<sup>th</sup> Street, #1902  
New York, NY 10019

and

Pfizer, Inc.  
235 East 42<sup>nd</sup> Street  
New York, NY 10017

and

Pneumo Abex Corporation  
f/k/a Abex Corporation  
c/o Prentice Hall Corporation System, Inc.  
319 Market Street  
Harrisburg, PA 17101

and

Premier Refractories, Inc.  
f/k/a J.H. France Refractories Co.  
c/o C.T. Corporation System  
1515 Market Street, Suite 1210  
Philadelphia, PA 19102

and

Quigley Co., Inc.  
subsidiary of Pfizer, Inc.  
235 E. 42<sup>nd</sup> Street  
New York, NY 10017

and

Rapid American Corporation  
C/O Prentice Hall Corp System  
2704 Commerce Drive, Suite B  
Harrisburg, PA 17110

and

Rockbestos Co.  
f/k/a The Rockbestos Wire &  
Cable Company  
20 Bradley Park Road  
East Granby, CT 06062

and

Union Carbide Chemical & Plastics Co., Inc.  
f/k/a Union Carbide Corporation  
c/o Joan Murphy, Paralegal  
Kelley, Drye & Warren  
101 Park Avenue, 32<sup>nd</sup> Floor  
NY, NY 10178-0002



and  
Uniroyal, Inc.  
70 Great Hill Road  
Naugatuck, Connecticut 06770  
and  
Universal Refractories, Inc.  
915 Clyde Street  
Wampum, PA 16157  
.. Defendants.

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**SHORT FORM COMPLAINT AND DEMAND FOR JURY TRIAL**

Joseph F. Kiniuk and Margaret Kiniuk, through their attorneys sue the Defendants captioned above and hereby adopt and incorporate all relevant portions of the Master Complaint and by reference the causes of action and paragraphs set forth in the Master Complaint as follows: General/Other Master File No. C0048AB200000004.

Plaintiff Joseph F. Kiniuk

**INTRODUCTION** - Paragraphs 1-4 and 6-7;

1. **COUNT ONE - STRICT LIABILITY** - Paragraphs 1, 3, 4, 5, 6, 7, 8, 9, 10 and 11;
2. **COUNT TWO - BREACH OF WARRANTY** - Paragraphs 12, 13 and 14
3. **COUNT THREE - NEGLIGENCE** - Paragraphs 15,16, 17, 18 and 19;
4. **COUNT FOUR - FRAUD** - Paragraphs 20, 21, 22, 23, 24 and 25;

5. **COUNT FIVE - CONSPIRACY** - Paragraphs 26, 27, 28, 29 and 30;

Plaintiffs, Joseph F. Kiniuk and Margaret Kiniuk

**INTRODUCTION** - Paragraph 1-4 and 6-7;

6. **COUNT SIX - LOSS OF CONSORTIUM** - Paragraphs 31, 32, 33 and 34;

• •  
**ADDITIONAL INFORMATION**  
**SHORT FORM COMPLAINT**

The following information is provided pursuant to Master Procedural Order No. 1, entered by the Court on December 29, 1999;

7. Plaintiff, Joseph F. Kiniuk, Date of Birth 4/30/26, SS# 192-20-7187, and Margaret Kiniuk are adults who reside at 1533 Lois Lane, Bethlehem, Pennsylvania 18018.

8. Plaintiff, Joseph F. Kiniuk, has sustained an asbestos related injury and was diagnosed with pulmonary asbestosis on or about September 29, 2000.

9. Plaintiffs time period of exposure to asbestos dust and fibers was from approximately 1955 to 1987. Plaintiff was employed as a (see attached Exhibit No. 1) during this period of time.


10. Plaintiff was employed by (see attached Exhibit No. 1) and worked at the following location: (See attached Exhibit No. 1)

11. Plaintiffs claim no wage loss at this time.

**DEMAND FOR JURY TRIAL**

Plaintiffs elect to have their case tried before a jury.

LAW OFFICES OF PETER G. ANGELOS, P.C.

By:   
George A. Weber, III  
I.D.#75162  
Alan S. Battisti  
I.D.#59053  
Attorneys for Plaintiffs

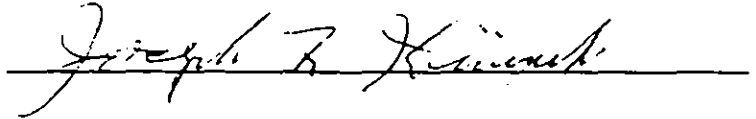
**EXHIBIT NO. 1**

<b>YEAR</b>	<b>EMPLOYER</b>	<b>JOB DUTIES</b>
1955-1956	Budd Company Philadelphia, Pa.	Assembler/Welder
1956-1962	Fuller Co. Catasauqua, Pa.	Welder
1962-1963	Bethlehem Fabricators Bethlehem, Pa.	Welder
1963-1964	Strick Trailers Perkasie, Pa.	Assembler/Welder
1964-1966	Ingersol Rand Phillipsburg, N.J.	Welder
1966-1987	Mack Truck Allentown, Pa.	Welder/Mechanic/ Machinist

VERIFICATION

I hereby certify that I am a plaintiff in the instant matter and the facts contained in the Complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C. S. Sect. 4904 relating to unsworn falsification to authorities

Date: 4/17/02

A handwritten signature in cursive script, appearing to read "Joseph F. Kiniuk", is written over a horizontal line.

Joseph F. Kiniuk

VERIFICATION

I hereby certify that I am a plaintiff in the instant matter and the facts contained in the Complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C. S. Sect. 4904 relating to unsworn falsification to authorities

Date: 4/17/02

Margaret Kiniuk

Margaret Kiniuk